

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT APPEAL No. 2009 of 2005

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Between:

1. The District Collector, Medak

at Sangareddy, and 2 others.

**.....APPELLANTS/
RESPONDENTS**

AND

Mir Mohd. Ali khan.

.....RESPONDENTS

ORDER: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

Respondent-Writ Petitioner filed W.P.No.5700 of 1993, which was disposed of
by the learned single Judge by his order dated
02-04-2004.

For the sake of convenience, the parties shall be referred to as they appeared in the writ petition.

The grievance that was projected by the writ petitioner before the Court was that though he was granted a patta for the land, which is in his possession, the respondents are trying to induct third parties by granting pattas to them. The Court gave an interim direction on 15-06-1993. No counter was filed by the respondents, and when the case came up for final hearing, the learned single Judge observed that there was no denial from the other side that the writ petitioner was a pattadar, and that he was in possession of the land in question. Therefore, the learned single Judge allowed the writ petition as prayed for.

Now, in the writ appeal, it has been stated by the respondents that the writ petitioner was never pattadar of the land in question, and, he is also not in possession of the same, and, the land was assigned to the landless poor persons, who are third parties to the writ petition and they are in possession of the same.

Writ Petitioner submits that he had made a representation on 12-06-1989. The learned Counsel for the writ petitioner, on the last occasion, submitted that the representation has not yet been decided, and again when the matter came up for hearing, this Court was informed that the representation of the writ petitioner was decided on 24-10-2005. We found that this representation was decided without even hearing the writ petitioner, only with a purpose to show to this Court that no representation was pending. Today, we have been informed at the bar that the order passed by the Joint Collector(S&LRs) Medak at Sangarddy, rejecting the representation of the writ petitioner has been recalled, which means that the representation is still pending.

In this view of the matter, we allow the writ appeal and set aside the order passed by the learned single Judge in W.P.No.5700 of 1993, dated 02-04-

2004. The Joint Collector(S&LRs) Medak at Sangareddy is directed to pass appropriate orders on the representation of the Writ Petitioner after affording him an opportunity of being heard. No costs.

(Bilal Nazki, A.C.J)

2nd November, 2005

(R.Subhash Reddy, J)

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